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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,541	09/30/2003	Anthony J. Gounalis	L0562.70036US00	5966

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EXAMINER

GREGORY, BERNARR E

ART UNIT PAPER NUMBER

3662

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,541

Applicant(s)

GOUNALIS, ANTHONY J.

Examiner

Bernarr E. Gregory

Art Unit

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. Claims 21-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Throughout claims 21-38, the uses of "illumination time," or its plural "illumination times," are indefinite and unclear in context. It is noted that there is no definition of "illumination time" in the Specification. Does the term "illumination time" refer to a time interval, to a clock time (e.g., 2:42 PM), or to something else? It is noted that in the Specification, a term "illumination period" is used (e.g., see p. 56, l. 19), and a term "dwell duration" is also used (e.g., see p. 11, ll. 3-4). The uses of these terms in the Specification for periods of time further cloud the meaning of "illumination time."

Throughout claims 21-38, the uses of "emitter" are indefinite and unclear in context as to what sorts of emissions are meant. The context of the entire application would tend to point to a meaning restricted to radio frequency emissions; however, if Applicant does not mean this, then Applicant must so state in the written response to this Office Action.

Independent claim 21 is indefinite and unclear in that the claim preamble presents the claim as being directed to a "method for detecting"; however, there is no method step in the body of claim 21 clearly and definitely reciting the action of "detecting." The same problem occurs with independent claim 30.

On line 7 of claim 21, the phrase "while satisfying an acceptable probability of detecting the emitter signal" is indefinite and unclear in context as

to: (1) what is an “acceptable probability” and (2) how the action of iteratively searching satisfies that “acceptable probability.” The same problem occurs with the same phrase on line 9 of independent claim 30.

On line 3 of claim 30, the antecedent basis for the pronoun “that” is unclear in context.

On line 1 of claim 21, the antecedent basis for the pronoun “that” is unclear in context.

Independent claim 30 is misdescriptive of the disclosed invention in that neither the computer nor the computer instructions can perform the steps recited in the body of claim 30, rather these can only be performed by a receiver under the control of the computer.

Dependent claims 22-29 and 31-38 are unclear in that they depend from unclear independent claims 21 and 30.

2. Claims 21 and 30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
3. Claims 22-29 and 31-38 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
4. The disclosure is objected to because of the following informalities: on line 7 of page 12 of the Specification, “there fore” must be corrected to “therefore” and on line 12 of page 17 of the Specification, “detect” must be corrected to “detection.”

Appropriate correction is **required**.

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Reitboeck et al ('920) is of interest for the processing using matrices in detecting types of radar signals.

The remaining examiner-cited prior art is of interest for showing various types of use of the word "time" in the context of radar signal detection. For example, O'Berry et al ('676) mentions a "dwell time detector" in the Exemplary Claim on the first page of the patent; Biggs ('215) and Biggs et al ('175) mention "times" used to distinguish signals in the abstract (line 6 in each); and Klimek, Jr. et al. ('069) mentions "time from the start of scan until the radar beam illuminates the aircraft and total scan time" (lines 9-10 of the abstract). Silverman ('493) mentions "time of day" at the end of the abstract. And several of the remaining patents mention time of arrival.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernarr E. Gregory whose telephone number is (703) 306-5765. The examiner can normally be reached on weekdays from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza, can be reached on (703) 306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bernarr E. Gregory
Primary Examiner
Art Unit 3662